

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

FRANK BLAIR,

Plaintiff,

V.

**AETNA LIFE INSURANCE
COMPANY, AMERICOLD
LOGISTICS, LLC, DAWN
SANFORD, et al.,**

Defendants.

Civil Action No.

2:06-cv-00651-MEF-SRW

DEFENDANTS' MOTION TO STAY RULE 26(f)'S DISCOVERY CONFERENCE REQUIREMENT

Defendants Aetna Life Insurance Company, AmeriCold Logistics, LLC, and Dawn Sanford (collectively “Defendants”) hereby submit a motion to stay Federal Rule of Civil Procedure 26(f)’s discovery conference requirement. As grounds for this motion, Defendants state as follows:

1. This matter was removed from the Circuit Court of Montgomery County, Alabama to the United States District Court for the Middle District of Alabama, Northern Division on July 21, 2006.

2. Federal Rule of Civil Procedure 26(f) requires that the parties “confer to consider the nature and basis of their claims and defenses and the

possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed discovery plan” within 45 days of the date of removal. FED. R. CIV. P. 26(f) (2006). Because this matter was removed on July 21, 2006, the parties are required to conduct a Rule 26(f) discovery conference by September 5, 2006.

3. Defendants’ Motion to Dismiss or in the Alternative for Summary Judgment (“Defendants’ Motion to Dismiss”), which was filed on July 21, 2006, is currently pending. As reflected in the parties’ briefs for the pending motion to dismiss, after ruling on the motion, the Court would dismiss this action on the merits or remand it for an administrative hearing. Because the appropriate relief in this matter is either a dismissal, summary judgment on the merits, or remand for an administrative hearing, the parties should not be required to conduct a Rule 26(f) discovery conference at this time.

WHEREFORE, Defendants respectfully move the Court to stay Federal Rule of Civil Procedure 26(f)’s discovery conference requirement.

s/ James S. Christie, Jr.

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AmeriCold Logistics, LLC,
and Dawn Sanford

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Ralph Bohanan, Jr.
Bohanan & Knight, P.C.
Suite 318 North
Birmingham, Alabama 35243

and I have mailed by United States Postal Service the foregoing to the following non-CM/ECF participants:

None.

Respectfully submitted,

s/ James S. Christie, Jr.
James S. Christie, Jr. (CHR011)